

**THIS OPINION WAS NOT WRITTEN FOR PUBLICATION**

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 67

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

*Ex parte* RICHARD R. HERTZOG, STYLIANOS SIFNIADES  
and WILLIAM B. FISHER

Appeal No. 2001-0509  
Application 08/601,879

**MAILED**

**FEB 15 2001**

**ON BRIEF**

**PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Before STONER, *Chief Administrative Patent Judge*,  
HARKCOM, *Vice Chief Administrative Patent Judge*, and  
WILLIAM F. SMITH, *Administrative Patent Judge*.

*Per Curiam.*

**REMAND TO THE EXAMINER**

The Office of Patent Legal Administration has requested that this application be remanded to the jurisdiction of the patent examiner so that the issues raised in this appeal can be reconsidered. Accordingly, we *remand*.

If reconsideration by the examiner does not promptly result in the withdrawal of all pending rejections, the examiner must return this application to the jurisdiction of the board so

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that the appeal may be restored to its existing place in the order in which appeals are decided. A new appeal number will not be assigned nor will a new appeal fee be required in the event that the examiner returns this application to the jurisdiction of the board following reconsideration.

This application, by virtue of its “special” status, requires **immediate** action by the examiner. *See MPEP § 708.01(d).* The Board of Patent Appeals and Interferences **must** be informed promptly of any action affecting the appeal in this case, including reopening of prosecution, allowance and/or abandonment of the application.

**REMANDED**

 Bruce H. Bonner

BRUCE H. STONER, JR., Chief  
Administrative Patent Judge

GARY V. HARKCOM, Vice Chief  
Administrative Patent Judge

**CARL V. HARRISON, Vice Chief  
Administrative Patent Judge** ) APPEALS AND  
 ) INTERFERENCES

William F. Smith  
WILLIAM F. SMITH  
Administrative Patent Judge

**WILLIAM F. SMITH**  
Administrative Patent Judge

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